

**FIFTY-FOURTH LEGISLATIVE DAY
FRIDAY, MARCH 5, 2004**

House of Representatives

The House convened at 10 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Sarah Lynn Shaffer, Page.

Approval of Journal

March 5, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifty-third Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

March 4, 2004

Mr. Speaker:

I transmit herewith enrolled **S 1227, S 1228, S 1252, S 1277, S 1365, and S 1377** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1227, S 1228, S 1252, S 1277, S 1365, and S 1377** and, when so signed, ordered them returned to the Senate.

March 4, 2004

Mr. Speaker:

I return herewith enrolled **HCR 43** which has been signed by the President.

WOOD, Secretary

Enrolled **HCR 43** was referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

March 4, 2004

Mr. Speaker:

I transmit herewith **SCR 132, SJM 109, and S 1348** which have passed the Senate.

WOOD, Secretary

SCR 132, SJM 109, and S 1348 were filed for first reading.

March 4, 2004

Mr. Speaker:

I return herewith **H 720** which has passed the Senate.

WOOD, Secretary

H 720 was referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 5, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 808, H 809, H 810, H 811, H 812, H 813, H 814, H 815, H 816, and H 817**.

FIELD(18), Chairman

H 809 and H 810 were referred to the Revenue and Taxation Committee.

H 811 and H 813 were referred to the State Affairs Committee.

H 812 and H 817 were referred to the Business Committee.

H 816 was referred to the Agricultural Affairs Committee.

H 808 and H 815 were filed for second reading.

H 814 was held at the Desk.

March 5, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 720**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 720**, and, when so signed, ordered it transmitted to the Senate for the signature of the President.

March 5, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **HCR 53** to the Secretary of State at 1:30 p.m., as of this date, March 4, 2004.

FIELD(18), Chairman

March 4, 2004

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **H 787** and recommend that it do pass.

BARRACLOUGH, Chairman

H 787 was filed for second reading.

March 4, 2004

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION,

report that we have had under consideration **H 754** and **H 799** and report them back with amendments attached to be placed on General Orders for consideration.

CROW, Chairman

H 754 and **H 799** were placed on General Orders for consideration.

March 4, 2004

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **S 1274** and **S 1224** and recommend that they do pass.

WOOD, Chairman

S 1274 and **S 1224** were filed for second reading.

March 4, 2004

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration **H 807** and **H 806** and recommend that they do pass.

JONES, Chairman

H 807 and **H 806** were filed for second reading.

March 4, 2004

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration **S 1318**, **S 1291**, **S 1320**, and **S 1299** and recommend that they do pass.

SALI, Chairman

S 1318, **S 1291**, **S 1320**, and **S 1299** were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

SCR 132, by State Affairs Committee, was introduced, read the first time by title, and referred to the Ways and Means Committee.

SJM 109, by State Affairs Committee, was introduced, read the first time by title, and referred to the Transportation and Defense Committee.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 818 BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING MONEYS FOR THE IDAHO EDUCATIONAL PUBLIC BROADCASTING SYSTEM FOR FISCAL YEAR 2005; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

HOUSE BILL NO. 819 BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING MONEYS FOR THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2005; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

HOUSE BILL NO. 820 BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING MONEYS FOR THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2005; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND AUTHORIZING FUND DEPOSITS.

HOUSE BILL NO. 821 BY APPROPRIATIONS COMMITTEE AN ACT

APPROPRIATING MONEYS FOR THE STATE LIBRARY BOARD FOR FISCAL YEAR 2005; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

H 818, **H 819**, **H 820**, and **H 821** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1348, by Education Committee, was introduced, read the first time by title, and referred to the Education Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 805, by Appropriations Committee, was read the second time by title and filed for third reading.

HCR 55, **H 771**, **H 774**, and **HCR 52**, by Ways and Means Committee, were read the second time by title and filed for third reading.

H 780, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

S 1234, as amended, **S 1263**, and **S 1281**, by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

S 1240, **S 1241**, and **S 1242**, by Commerce and Human Resources Committee, were read the second time by title and filed for third reading.

H 500, as amended in the Senate, by State Affairs Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

H 789 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Mitchell to open debate.

The question being, "Shall **H 789** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ring, Ringo, Roberts, Robison, Rydalch, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Boe, Ridinger, Sali. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 789** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 790 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Field(23) to open debate.

The question being, "Shall **H 790** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Sali. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 790** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 791 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Mitchell to open debate.

The question being, "Shall **H 791** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Sali. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 791** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 792 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Mitchell to open debate.

The question being, "Shall **H 792** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ring, Ringo, Roberts, Robison, Rydalch, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Mr. Speaker. Total -- 65.

NAYS -- Barrett, Kulczyk, Ridinger, Wood. Total -- 4.

Absent and excused -- Sali. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 792** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 793 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Meyer to open debate.

The question being, "Shall **H 793** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Crow, Sali. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 793** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 794 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Meyer to open debate.

The question being, "Shall **H 794** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- Kulczyk. Total -- 1.

Absent and excused -- Crow. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 794** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 795 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Field(23) to open debate.

The question being, "Shall **H 795** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood, Mr. Speaker. Total -- 70.

Whereupon the Speaker declared **H 795** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 801 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bedke to open debate.

The question being, "Shall **H 801** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Bolz, Campbell, Cannon, Clark, Collins, Crow, Deal, Denney, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Kellogg, Kulczyk, Lake, Langford, McGeachin, McKague, Meyer, Moyle, Nielsen, Raybould, Ridinger, Ring, Roberts, Rydalch, Sali, Schaefer, Shirley, Skippen, Smith(24), Stevenson, Wills, Wood, Mr. Speaker. Total -- 48.

NAYS -- Andersen, Boe, Cuddy, Douglas, Henbest, Jaquet, Jones, Langhorst, Martinez, Miller, Mitchell, Naccarato, Pasley-Stuart, Ringo, Robison, Sayler, Shepherd, Smith(30), Smylie, Snodgrass, Trail(Bennett). Total -- 21.

Absent and excused -- Bradford. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 801** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

S 1381 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bedke to open debate.

The question being, "Shall **S 1381** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas,

Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Jones. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **S 1381** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1385 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Field(23) to open debate.

The question being, "Shall **S 1385** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- Kulczyk. Total -- 1.

Absent and excused -- Smith(24). Total -- 1.

Total -- 70.

Whereupon the Speaker declared **S 1385** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1386 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Field(23) to open debate.

The question being, "Shall **S 1386** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, McGeachin, McKague,

Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- Kulczyk. Total -- 1.

Absent and excused -- Smith(24). Total -- 1.

Total -- 70.

Whereupon the Speaker declared **S 1386** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1387 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall **S 1387** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood, Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Black, Cuddy, Jaquet, Meyer, Smith(24). Total -- 5.

Total -- 70.

Whereupon the Speaker declared **S 1387** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1396 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gagner to open debate.

The question being, "Shall **S 1396** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, McGeachin, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sayler, Schaefer, Shepherd, Shirley,

Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Mr. Speaker. Total -- 61.

NAYS -- Barrett, Kulczyk, Sali, Wood. Total -- 4.

Absent and excused -- Bradford, Cuddy, McKague, Meyer, Smith(24). Total -- 5.

Total -- 70.

Whereupon the Speaker declared **S 1396** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1397 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Harwood to open debate.

The question being, "Shall **S 1397** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Mr. Speaker. Total -- 64.

NAYS -- None.

Absent and excused -- Bradford, McKague, Meyer, Moyle, Smith(24), Wood. Total -- 6.

Total -- 70.

Whereupon the Speaker declared **S 1397** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1398 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gagner to open debate.

The question being, "Shall **S 1398** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Langhorst, Martinez, McKague, Meyer, Miller, Mitchell, Naccarato, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Rydalch, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Mr. Speaker. Total -- 58.

NAYS -- Boe, Eberle, Kulczyk, Lake, Langford,

McGeachin, Nielsen, Roberts, Sali. Total -- 9.

Absent and excused -- Moyle, Smith(24), Wood. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **S 1398** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1399 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Field(23) to open debate.

The question being, "Shall **S 1399** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Lake, Langhorst, Martinez, McKague, Meyer, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sayler, Schaefer, Shepherd, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Mr. Speaker. Total -- 59.

NAYS -- Bauer, Eberle, Harwood, Kulczyk, Langford, McGeachin, Sali, Shirley. Total -- 8.

Absent and excused -- Moyle, Smith(24), Wood. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **S 1399** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1400 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Field(23) to open debate.

The question being, "Shall **S 1400** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, McGeachin, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Rydalch, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood, Mr. Speaker. Total -- 60.

NAYS -- Barrett, Eberle, Harwood, Kulczyk, McKague, Meyer, Roberts, Sali. Total -- 8.

Absent and excused -- Moyle, Smith(24). Total -- 2.

Total -- 70.

Whereupon the Speaker declared **S 1400** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1401 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **S 1401** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Naccarato, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Rydalch, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Mr. Speaker. Total -- 56.

NAYS -- Barrett, Bayer, Eberle, Harwood, Kulczyk, McKague, Nielsen, Roberts, Sali, Wood. Total -- 10.

Absent and excused -- Deal, Lake, Moyle, Smith(24). Total -- 4.

Total -- 70.

Whereupon the Speaker declared **S 1401** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1402 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Robison to open debate.

The question being, "Shall **S 1402** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood, Mr. Speaker. Total -- 70.

Whereupon the Speaker declared **S 1402** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1403 was read the third time at length, section by section,

and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Field(23) to open debate.

The question being, "Shall **S 1403** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Collins, Crow, Cuddy, Deal, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, Meyer, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Rydalch, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail(Bennett), Wills, Wood, Mr. Speaker. Total -- 57.

NAYS -- Barrett, Clark, Denney, Eberle, Harwood, Kulczyk, McGeachin, McKague, Moyle, Sali, Schaefer, Stevenson. Total -- 12.

Absent and excused -- Roberts. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **S 1403** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1404 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall **S 1404** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Barrett. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **S 1404** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1405 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Field(23) to open

debate.

The question being, "Shall **S 1405** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Mr. Speaker. Total -- 65.

NAYS -- Barrett, Eberle, McGeachin, Wood. Total -- 4.

Absent and excused -- Crow. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **S 1405** passed the House. Title was approved and the bill was ordered returned to the Senate.

HCR 50 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Field(18) to open debate.

The question being, "Shall **HCR 50** be adopted?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail(Bennett), Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Stevenson. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **HCR 50** adopted and ordered the resolution transmitted to the Senate.

HCR 54 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Rydalch and Mr. Barraclough to open debate.

The question being, "Shall **HCR 54** be adopted?"

Whereupon the Speaker declared **HCR 54** adopted by voice vote and ordered the resolution transmitted to the Senate.

HJM 22 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Rydalch and Mr. Barraclough to open debate.

The question being, "Shall **HJM 22** be adopted?"

Whereupon the Speaker declared **HJM 22** adopted by voice vote and ordered the memorial transmitted to the Senate.

H 738 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Cuddy to open debate.

The question being, "Shall **H 738** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Ellsworth, Wills. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 738** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 745 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Raybould to open debate.

The question being, "Shall **H 745** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Kellogg, Kulczyk, Lake, Langford, McGeachin, McKague, Meyer, Miller, Moyle, Nielsen, Raybould, Ridinger, Ring, Roberts, Rydalch, Sali, Schaefer, Shepherd, Shirley, Skippen, Smith(24), Smylie, Snodgrass,

Stevenson, Wills, Wood, Mr. Speaker. Total -- 56.

NAYS -- Boe, Henbest, Jaquet, Jones, Langhorst, Martinez, Mitchell, Naccarato, Pasley-Stuart, Ringo, Robison, Sayler, Smith(30), Trail(Bennett). Total -- 14.

Total -- 70.

Whereupon the Speaker declared **H 745** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that **H 802** be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

H 802 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Deal to open debate.

The question being, "Shall **H 802** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Black, Block, Boe, Bolz, Campbell, Cannon, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Langford, Langhorst, Martinez, Meyer, Miller, Mitchell, Moyle, Naccarato, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sayler, Shepherd, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail(Bennett), Wills, Mr. Speaker. Total -- 47.

NAYS -- Andersen, Barrett, Bauer, Bayer, Bedke, Bell, Bradford, Clark, Collins, Crow, Eberle, Harwood, Kulczyk, Lake, McGeachin, McKague, Nielsen, Sali, Schaefer, Smith(24), Wood. Total -- 21.

Absent and excused -- Field(23), Shirley. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 802** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, March 8, 2004. There being no objection, it was so ordered.

There being no objection, the House returned to the Fourth Order of Business.

Consideration of Messages from the Governor and the Senate

March 5, 2004

Mr. Speaker:

I return herewith enrolled **H 720** which has been signed by the President.

WOOD, Secretary

Enrolled **H 720** was referred to the Judiciary, Rules, and

Administration Committee for delivery to the Governor.

Mr. Gagner asked unanimous consent that **H 757** be placed on General Orders for consideration. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 9:30 a.m., Monday, March 8, 2004. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:52 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk